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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,527	03/28/2001	Evert E. Deboer	Q63887	1846
116	7590	11/03/2004	EXAMINER LEVITAN, DMITRY	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			ART UNIT 2662	PAPER NUMBER

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/818,527	DEBOER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dmitry Levitan	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 13-39 is/are rejected.
- 7) ☒ Claim(s) 5-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>032801</u> . | 6) <input type="checkbox"/> Other: ____.  |

***Specification***

1. The disclosure is objected to because of the following informalities: “a respective matched pair of SAP nodes” of claims 1, 14 and 27 was not described in the disclosure or well known term of the art.

Appropriate correction is required.

***Claim Objections***

2. Claims 31-38 are objected to because of the following informalities: typographical error in claim 31 line 1, making it dependant on claim 17 instead of claim 27. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 14-39 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification does not provide sufficient details to enable a skilled in the art to make and use the invention because it does not adequately describe the following:

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Regarding claims 14 and 27, the limitations “means for searching for provisioned protection bandwidth within a current ring and means for searching for provisioned protection bandwidth within an adjoining ring”.

The specification does not provide enough details about the structure and operation of the elements associated with the above identified claimed features to enable one skilled in the art to make and use the invention without undue experimentation.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 13-17, 26-30 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mansour (US 5,058,105).

6. Regarding claims 1, 14 and 27, Mansour substantially teaches the limitations of claim 1: A method for allocating protection bandwidth for restoring data traffic following a resource failure (1:49-57) between first and second nodes (nodes 100-1 and 100-5 on Fig. 1 and 2:15-54) in a network comprising two adjoining data rings (ring 1 consisting of branches 103, 104, 111, 110, 109 and 108 and ring 2 consisting of branches 103, 104, 111, 114, 113, 112, 108 on Fig. 1 and 2:34-50) and interconnected with sparsely provisioned protection (branch 110 and 109 on Fig. 1 without sufficient spare capacity 5:36-55), comprising steps:

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Searching for provisioned protection bandwidth within a current transport ring (loop 151 on Fig. 1 and 6:57-60); and

If the provisioned protection bandwidth is not found within the current ring, searching for it within adjoining data ring (establishing higher order connectivity loop 152 on Fig. 1 and 6:62-66).

Mansour does not teach rings interconnected by a respective matched pair of SAP nodes.

Official notice is taken that rings interconnected by a respective matched pair of SAP nodes is well known in the art to establish primary and secondary nodes for the protection function.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to interconnect rings by a respective matched pair of SAP nodes in the system of Mansour to improve the system failure operation by establishing primary and secondary nodes in the system.

7. Regarding claims 3, 16 and 29, Mansour teaches a ring on which the failure was detected (ring 1 with branch 103 failure on Fig. 1).

8. Regarding claims 4, 17 and 30, Mansour teaches allocating protection bandwidth to a protection path (identifying spare capacity on Table 1, Fig. 2 and 5:45-59).

9. Regarding claims 2, 15 and 28, Mansour does not teach rings as BLSRs.

Official notice is taken that BLSRs are well known in the art, often used to provide traffic protection in case of the path failure.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use BLSRs in the system of Mansour to utilize well known technology.

10. Regarding claims 13, 26 and 39, Mansour does not teach generating an alarm if protection bandwidth cannot be located.

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Official notice is taken that generating alarm when the protection is failed is well known in the art to notify the operator about the failure in the network.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to generate alarm in the system of Mansour to improve the system failure indication.

### *Allowable Subject Matter*

11. Claims 5-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### *Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Zimmerman	US006625653B1	Network protection architecture.
Tada	US006212167B1	Multiplexing transmitter.
Hermann	US006606667B1	Balanced networks.
Chin	US005959968A	Port aggregation protocol.
Lindhorst-Ko	US006725401B1	Optimized fault notification in an overlay mesh network.
De Boer	US006658013B1	Method and apparatus for ensuring survivability of inter-ring traffic.
De Boer	US006400859B1	Optical ring protection having matched nodes.

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Li                    US006616349B1            Two-fiber interconnected ring architecture.

Sosnosky            SONET ring applications for survivable fiber loop networks. IEEE  
Communications Magazine, June 1991, p. 51-58.

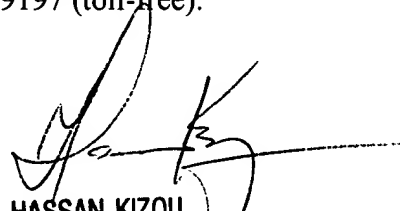
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is (571) 272-3093. The examiner can normally be reached on 8:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dmitry Levitan  
Patent Examiner.  
10/07/04.



HASSAN KIZOU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600